

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**ORTIZ NEGRON, GERALDO DAVID
DEBTOR(S)**

CASE NO. 10-05625 (BKT)

CHAPTER 7

**TRUSTEE'S MOTION REQUESTING
ENTRY OF ORDER DISMISSING THE CASE**

TO THE HONORABLE COURT:

COMES NOW, Wigberto Lugo Mender, duly appointed trustee of the above captioned case, who respectfully prays this Honorable Court as follows:

1. The above caption case was filed as a Chapter 13 on June 25, 2010 and was converted to a case under Chapter 7 on September 13, 2010.
2. The meeting of creditors, pursuant to 11 U.S.C. Section 341 was scheduled for November 4, 2010. Debtor failed to appear at this meeting.
3. The meeting of creditors was continued to December 2, 2010. Debtor's attorney request continuance. The meeting was continued to December 21, 2010. Debtor again failed to appear at this meeting.
4. The trustee respectfully states that debtor's non-appearance to the scheduled meeting of creditors precludes his administration of the assets of this estate, main reason why this case should be dismissed.

NOTICE TO PARTIES IN INTEREST

PLEASE TAKE NOTICE that unless a written response to this motion requesting dismissal is filed, in writing, with the Clerk of the U.S. Bankruptcy Court with copy to the undersigned

within 30 days from the date of this notice, this case will be dismissed without further notice or hearing.

WHEREFORE, the undersigned Trustee respectfully prays this Honorable Court for an Order Dismissing this Case pursuant to 11 U.S.C. Section 521(h)(2).

I HEREBY CERTIFY: That on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the parties appearing in said system

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY: That on the same date a copy of this document has been mailed to the **United States Trustee's Office** at Ochoa Building, Suite 301, 500 Tanca Street, Old San Juan, PR 00901-1922; **Geraldo Ortiz Negrón (Debtor)** HC 02, Box 8374, Orocovis, PR 00720 and **Juan Calderon Lithgow, Esq. (Attorney for Debtor)** PO Box 1710, Vega Baja, PR 00694.

In Guaynabo, Puerto Rico, this 23 of December of 2010.

s/ Wigberto Lugo Mender

WIGBERTO LUGO MENDER

CHAPTER 7 TRUSTEE

Centro Internacional de Mercadeo

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trustee@lugomender.com

Department of Defense Manpower Data Center

Dec-23-2010 11:43:21



Military Status Report
Pursuant to the Service Members Civil Relief Act

| Last Name | First/Middle | Begin Date | Active Duty Status | Active Duty End Date | Service Agency |
|-----------|---------------|--|--------------------|----------------------|----------------|
| ORTIZ | GERALDO DAVID | Based on the information you have furnished, the DMDC does not possess any information indicating the individual status. | | | |

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

A handwritten signature in black ink, reading "Mary M. Snavely-Dixon".

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:HIEDRQBIHI